

Board Meeting
October 15-16, 2002

Agenda Item
Attachment 1

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this form and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

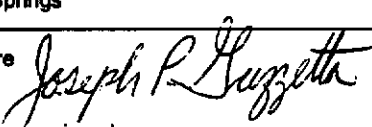
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General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification <i>All respondents must complete this section.</i>			
I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:			
Jurisdiction Name City of Desert Hot Springs		County Riverside	
Authorized Signature  Joe Guzzetta—Hardcopy signed		Title City Manager	
Type/Print Name of Person Signing Joe Guzzetta	Date August 5, 2002	Phone (760) 329-6411, Ext. 223	
Person Completing This Form (please print or type) Robert Kuznik		Title Consultant	
Phone (303)666-4760	E-mail Address rwkuznik@aol.com		Fax (303)666-0855
Mailing Address 65950 Pierson Blvd.	City Desert Hot Springs	State CA	ZIP Code 92240

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested 2001, 2002, 2003

Is this a second request? ☒ No ☐ Yes Specific years requested. _____
(Note: Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (Not allowed for Regional Agencies).**

Specific ADR requested %, for the years .

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested %, for the years .

(Note: Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

- 1. Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

The City needs more time to achieve the 50% diversion goal because economic issues and high turnover of staff and elected officials impeded progress. Additionally, local conditions influencing how the origin of waste is identified at the landfill have resulted in suspected mis-allocation of self-haul waste to the detriment of the city.

(Please refer to attached supplemental information.)

- 2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.**

The city requests a three-year extension because it will take that long for the planned programs to become effective operational and for the results of their impact to be measured.

- 3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.**

Initially, the City was demonstrating steady progress in meeting diversion goals in the initial years, 16% (1995), 20% (1996) and 24.5% (1997) until a sharp decline triggered by unanticipated effect of C&D waste generated by a handful of new construction projects. This event resulted in the City assessing the situation, undertaking a waste diversion study and initiating steps to attain compliance.

From the time the IWMB Compliance Letter was received, the City has taken a number of steps toward compliance that we believe demonstrate a good faith effort.

(Please refer to attached supplemental information.)

- 4. Provide any additional relevant information that supports the request.**

No additional information to be provided.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %		34%	Non-residential %		66%
PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
Residential Curbside Recycling	Expand	Current program to be augmented by use of 90-gal. wheeled carts for single stream collection of recyclables increasing individual participation.	Franchise hauler fees	12/2002	8%
Concrete/Asphalt/Rubble Construction/Demolition	New	C&D material will be recycled through a hauler program offering source separation of recyclable materials. The process will assist in reducing the amount of misreported waste from other jurisdictions.	Franchise hauler fees	10/2002	13%
Food Waste Composting	New	Food Waste composting will be offered to restaurants and establishments with food preparation operations; processing will occur at existing facilities in the area; implementation will proceed one account at a time with hauler providing training and monitoring assistance.	Franchise hauler fees	12/2003	3%
School Source Reduction & Recycling	Expand	The City will encourage the local school district to implement expanded source reduction and recycling programs with the assistance of CIWMB staff through the school district diversion project.	n/a	12/2002	1%
Wood Waste	New	Programs for Wood Waste mulching & composting from C&D & landscaping sources will be offered through hauler programs. Lower tip fees provide incentive for participation.	Franchise hauler fees	12/2002	2%
Government Recycling	Expand	Current program to be expanded to the materials included in Residential program.	Franchise hauler fees	10/2002	<1%
Total Estimated Diversion Percent From New and/or Expanded Programs					27%
Current Diversion Rate Percent From Latest Annual Report					27%
Total Planned Diversion Percent Estimated					54%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES			
PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
Economic Incentives	New	The Food Waste Program pricing will be established at rates less than the cost of disposal thereby creating an economic incentive for FW generators to participate. Program benefits will be explained to prospective customers by hauler's recycling specialist.	12/2002
Economic Incentives	New	The C&D recycling program will be augmented by a new weight-based pricing structure for hauler's debris box services with companion diversion services priced to provide a financial incentive for participation.	12/2002
Ordinances	New	A new ordinance supporting C&D source separation will be incorporated. Also, the potential requirement for source reduction & recycling plans to be filed by businesses will be evaluated after the contribution of other programs is known.	4/2003

Supplemental Information
City of Desert Hot Springs
Request for Time Extension

III-A-1, Why More Time is Needed (continued)

- o Financial Issues: The city has a long history of financial problems which have often taken attention from waste diversion matters. Part of the financial problem surfaced in 1994 when a jury awarded \$3 million to a plaintiff in a 1990 lawsuit against the City. Although the judgement was reduced in 1995 and again in 1999, by early 2000 the city was without a city manager, \$2.2 million in debt and facing disincorporation. The County of Riverside came to the city's assistance and provided a team of employees to run the city and address the severe financial problems. In June 2000, voters approved two tax measures to help stabilize the city's finances. In May 2001 an appeals court decision reinstated the \$3 million lawsuit award plus an additional \$3 million in costs and fees and again pushed the city to the brink. On December 19, 2001, the city filed for Chapter 9 bankruptcy protection.
- o Turnover of Elected Officials and Key Staff: Turnover in leadership again took attention away from diversion. In 1994 the entire city council was recalled and a special election was held in January 1995 to elect five replacement members. In December 1997 a recall petition drive was launched to recall the entire city council. The longest serving city council member was elected in 1995. Since 1994, the city has had seven city managers and five since the issuance of the Compliance Order (August 1999).
- o Origin of Waste: The city is adjacent to a populated unincorporated area where the residents and businesses share the same post office and delivery codes. While the residents and businesses of the city are required by Code to subscribe for waste removal services, such service is not mandatory in the unincorporated area. It is suspected that waste generated in the unincorporated area and self hauled to the landfill is attributed to the city in the Countywide Tonnage Tracking System. This assumption is further supported by comparing the city's self haul tonnage (as a percent of total tonnage disposed) with that of neighboring cities and other cities in Southern California. Furthermore, while examining this issue, some evidence of other tonnage reporting errors attributed to debris hauling and C&D waste came to the hauler's attention. If these problems with identification of the jurisdiction of origin are in fact true, it is estimated that the city's diversion rate could be about 5% higher than presently being recorded.

Programs in the SRRE emphasized typical residential and commercial diversion efforts. Steady improvement in the city's diversion rate from 1995 through 1997 (16%, 20% and 24.5% respectively) indicated that progress was being made. The sudden drop in the diversion rate to 11% in 1998 was attributed to a sharp rise in C&D waste contributed from a very few construction projects (a new high school, a new post office, and three medium-sized retail stores). This event demonstrated the vulnerability of the city's diversion rate to waste from this sector.

The barriers described above will be overcome in the following manner.

- o Overcoming the Financial Barrier: The protection provided by the Chapter 9 Bankruptcy will enable city leadership to focus on the day-to-day operation of the city as well as plan for long-range improvements.
- o Overcoming the Leadership Turnover Barrier: The current city council is committed to the future of the city and has the confidence of the community as evidenced by the results of the November 2001 election in which the mayor and an incumbent council member were returned to office. The editorial board of the area's newspaper also recognizes and endorses the council's direction. All city staff appointments are filled, and the staff is stable and working in concert with the council's direction.
- o Overcoming the Tonnage Reporting Barrier: Rectifying any tonnage reporting errors may be the most difficult barrier to overcome. It is not feasible to audit historical records for the purpose of identifying and correcting any errors. The city will work with County officials to properly identify the origin of self-haul waste. Consideration will be given to a means of better classifying vehicle operators as originating from the City or the adjacent unincorporated area. Problems with the classification of self-hauled C&D waste will be remedied by the proposed C&D source separation ordinance and enforcement of the authorized hauler provisions.

The corrective and supporting programs are designed to address the diversion opportunities that will bring the city into compliance with the diversion goal in the shortest possible time.

III-A-3, Good Faith Efforts (continued)

Initially the city considered the formation of a Regional Agency with the County of Riverside believing that consolidation with the County's broader base would achieve compliance. The County declined to participate in the Regional Agency approach. Next the City undertook a Waste Diversion Study. However, lacking both the in-house expertise and the financial resources to engage an outside consultant, the city turned to its franchised waste hauler to undertake the study. Citizens were recruited to assist with the fieldwork. Twelve citizens volunteered, conducting interviews of non-residential waste generators to document their waste diversion practices.

The following programs were expanded or added as new programs:

- o An Expanded Curbside Recycling Program (Residential & Commercial): As a result of citizen interest generated by publicity associated with the fieldwork, citizens provided input regarding improvements they would like to see in the Curbside Recycling Program. As a result, the hauler's Curbside Recycling Program was expanded to collect more materials.

Original Materials List	Expanded Materials List
Paper—newsprint	Paper—newsprint, corrugated cardboard, magazines, mixed paper, cereal boxes, pizza boxes, phone books, computer paper, ledger paper, egg cartons, brochures, paper tubes, tissue boxes, wrapping paper
Glass—food & beverage bottles & jars	Glass—any glass container
Plastics—plastic beverage containers	Plastics—any #1 or 2 plastic
Metals—food cans & aluminum beverage containers	Metals—food cans, aluminum foil, empty aerosol cans, beverage containers

The addition of OCC to the Curbside Program was the most important addition made.

The expanded materials list was announced in the hauler's January 2001 newsletter mailed to each Residential customer. (*Consideration will be given to making future announcements & educational materials bilingual.*)

- o Greater Curbside Recycling Container Capacity: The city and hauler are currently finalizing details for an Automated Collection Program that will increase diversion in the Curbside Recycling Program. The citizen survey of non-residential establishments and the expanded list of materials recycled in the Curbside Recycling Program produced citizen input requesting changes in the Curbside Recycling Program to increase the capacity of the 17-gallon recycling containers presently in use. The city and its hauler commenced discussions of introducing an automated collection system that would simultaneously increase Recycling Container capacity from 17-gallons to 90-gallons. The concept was presented to the City Council in September 2001 who authorized staff to proceed with the investigation. In October 2001 the hauler distributed wheeled carts to Council members as a pilot program. In a December 10 Study Session the City Council reported unanimously positive responses to the pilot program, reviewed costs and requested that the program be placed on the agenda for consideration in January 2002.
- o Spring & Fall Cleanups: The city's hauler conducts bi-annual cleanups in the Spring and Fall. The program consists of curbside collection of bulky items and a central collection point near city hall for self haul disposal. Beginning in 2000, the hauler provided personnel at the central collection point to separate recyclable items from the discarded materials. As a result of this program refinement, Green Waste, White Goods, metals and tires are now being recycled in the program. The Fall 2000 Cleanup collected 116.5 tons from 589 participants. Of the total waste collected, the hauler was able to divert 25 tons of materials consisting of white goods, green waste and automobile tires. The diversion efforts have become a part of the on-going program with similar results each time.

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- Waste Diversion at Public School Facilities: Beginning September 1996, the hauler began working with the local school district to provide customized recycling services at each campus and district facility. The program also includes an annual facility review by hauler and school district representatives at which the diversion progress and needs of each facility are evaluated. In its newly opened new high school in the city, the school district opted not to include turf over seeding with winter rye grass as a part of its landscape maintenance practices, a Source Reduction measure. Mulching practices also are employed in all mowing operations. The school district plans an expansion to the high school campus located in the city and has announced its intention to include C&D diversion in the construction RFP. In its upcoming annual review of services with the school district, the Hauler will offer the same expanded recycling program as that offered to the Residential & Business communities. Following a review with IWMB staff of school assistance programs, the City Manager discussed cooperative efforts with the district superintendent. *(The City plans to encourage the district to avail themselves of the IWMB assistance team.)*
- Curbside Green Waste Collection Program: The Rancho del Oro subdivision introduced the first major use of lawns in the landscaping of a housing tract in the city. Almost all other residential dwelling construction in the community has employed natural plantings. In response to this condition, the hauler commenced offering a Curbside Green Waste Collection Program to divert this material for processing at local composting facilities.
- Self-Haul Green Waste Program: The City previously operated a green Waste drop-off point for self-haul diversion. The site encountered some operating problems associated with contamination and unauthorized use, and the drop-off program was ultimately terminated when local compost facility operations in the nearby community of Thousand Palms stabilized. Residents and businesses have the opportunity to self-haul their greenwaste at compost and greenwaste facilities located in the Valley, during semi-annual clean-up events and during frequent neighborhood cleanup events *(The City will re-evaluate operation of a drop-off site for self-haulers.)*
- C&D Diversion: The City and hauler have identified C&D waste as a special issue for the city in meeting its diversion goal. The hauler contacted CIWMB staff and obtained examples of C&D diversion ordinances used in other communities and then sought comment from the area's Building Industry Association. City staff and the hauler are reviewing the municipal code and preparing a diversion strategy including an incentive-pricing element. *(The initial change in the current program will be a new pricing structure for debris boxes that charges generators for the actual weight generated rather than the current system based upon average weights. Observations have confirmed that C&D generators typically dispose of more waste than the charge built into the rate structure. Charges based upon actual weights will enable the Hauler to introduce alternative services for source-separated materials with a competitive pricing structure that encourages diversion. The Hauler's customer service representatives will explain the program to customers calling for debris box services. A new Ordinance supporting C&D source separation will be incorporated.)*
- Commercial Food Waste Program: In addition to wheeled carts for waste and recyclables, the proposed Automated Collection Program will include a Commercial Food Waste Collection element for restaurants and resort hotels offering on-site food preparation. These establishments will be offered wheeled carts for source separated food waste and an incentive pricing program to encourage participation. The hauler is currently conducting a pilot Commercial Food Waste Program in a neighboring city and the experience gained there will be used to introduce the program to select non-residential waste generators in the city in late 2002. *(The Food Waste Program will be introduced to select non-Residential establishments operating significant on-site food preparation facilities. Such operations will be identified based upon the Hauler's observations of waste generation practices and information gathered from the waste diversion site surveys. The pricing structure will enable participating waste generators to reduce their overall waste disposal cost. The Hauler's recycling specialist will call upon prospective establishments and explain the program benefits and requirements and assist with program introduction and employee training.)*
- Investigation of a Regional Agency: The city contacted the County of Riverside to explore the possibility of joining with the County's unincorporated area forming a Regional Agency for meeting waste diversion goals. It was felt that the County's broader base would assist with meeting waste diversion goals. The County declined to consider a joint effort.

- Origin of Waste: When investigating the 1999 drop in diversion rates, the city's hauler noted a high amount of self-haul waste. This observation led to a review of self-haul waste in other communities for comparison purposes. It was concluded that waste from outside the jurisdiction was being attributed to the city. Discussions were initiated with County landfill officials to review the suspected problem. The County did not believe a problem existed but agreed to concentrate on jurisdiction accuracy. It was noted that residents in the unincorporated area share the city's postal zip code and that origination issues may exist as a result.